

October 7, 2002

To: Supervisor Zev Yaroslavsky, Chairman  
Supervisor Gloria Molina  
Supervisor Yvonne Brathwaite Burke  
Supervisor Don Knabe  
Supervisor Michael D. Antonovich

From: David E. Janssen  
Chief Administrative Officer

**MOTION TO SUPPORT PROPOSITION 49 – SCHOOL EDUCATION AND SAFETY PROGRAM ACT OF 2002 (ITEM NO. 10, AGENDA OF OCTOBER 8, 2002)**

Item No. 10 on the October 8, 2002 Agenda is a motion by Supervisor Knabe to endorse Proposition 49, the School Education and Safety Program Act of 2002, which is on the November 5, 2002 ballot.

If passed, Proposition 49 would:

- Increase State funding for before and after schools programs up to a maximum of \$550 million annually contingent on the growth in State revenues.
- Provide increased flexibility to conduct programs away from school sites, and include computer training, fine arts, and physical fitness activities for the purposes of educational enrichment.
- Require the inclusion of local law enforcement agencies in program planning.

The State currently uses Proposition 98 funds to provide a before and after school program for pupils in public elementary, middle and junior high schools. The Before and After School Learning and Safe Neighborhoods Partnership Program (Program) makes competitive grants to schools that offer education enrichment and either tutoring or homework assistance before and/or after regular school hours. The grants require a \$1 local match for each \$2 of State assistance and give priority to schools in which at least

50 percent of the pupils are eligible for federally subsidized meals. The State spent \$95.3 million on the program in FY 2001-02.

In addition to this State program, the State will receive \$41.5 million in Federal funds in FY 2002-03 for grants to local education agencies and community-based organizations for before and after school academic and recreational programs. The State also provides a total of \$475 million annually for supplemental academic instruction outside the regular classroom including vacation periods as well as before or after school hours.

Proposition 49 would change the name of the Program and guarantee State funding up to a maximum of \$550 million beginning in FY 2004-05 (including whatever amount was spent on the existing Program in the preceding year.) The actual amount of the guarantee would be contingent on the growth in State revenues available for programs outside of Proposition 98. The guarantee would only be triggered if funds available for non-Proposition 98 programs increase by more than \$1.5 billion, after which Proposition 49 would utilize the excess up to the maximum guarantee of \$550 million (minus the amount already being spent on the program.) Funding for the program would be continuously appropriated each year without legislative action.

By only utilizing funds in excess of the \$1.5 billion, the funding formula seeks to assure that the major expansion of the before and after school program proposed in Proposition 49 will not be at the expense of either existing K-12 programs funded through Proposition 98 or the remaining State programs dependent on the general fund. The Legislative Analyst estimates that based on the funding formula and their projection of future State spending, the maximum guarantee amount would be available in FY 2004-05. Assuming no increase in State funding for the Program beyond the current \$95 million, an additional \$455 million of non-Proposition 98 funding would be set aside for the expanded Program. However, if the Legislature were to increase Proposition 98 funding for the Program in FY 2003-04, the amount set aside for the new program in FY 2004-05 would be correspondingly reduced.

Either way, the before and after school program would be fully funded at \$550 million. However, the potential impact on non-Proposition 98 programs could be significant, depending upon whether the expansion of the program is funded within or outside of Proposition 98. If it is funded through Proposition 98 funds, it will not impact the County. However, if it is funded outside of Proposition 98, it would permanently establish a second minimum guarantee for education programs on top of Proposition 98, thereby reducing funds available for critical public safety, transportation, probation, and health and social services programs of vital interest to the County. The competition for already scarce non-Proposition 98 funding would become even more intense.

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It is impossible to predict what the Legislature will do. However, the Legislature has historically tended to favor schools over local governments in the allocation of funding. While the departments of Public Social Services, Probation, and our office are supportive in principle of before and after school programs, we are concerned about the potential fiscal and programmatic impacts on the County. The County Office of Education indicates that they are concerned about the funding allocations to schools under Proposition 49, but the County Board of Education has not taken a position. The Sheriff supports the measure.

The California State Association of Counties has not taken a position on this measure.

**There is no existing Board policy regarding funding for before and after school programs; therefore, this is a matter for Board policy determination.**

Proposition 49 is endorsed by the California Taxpayers' Association, the California Teachers Association, California Parent Teachers Association, American Association of Retired Persons, the California State Sheriffs Association and Arnold Schwarzenegger.

It is opposed by the League of Women Voters of California, Service Employees International Union Local 535, American Association of University Women-California, Child Care Law Center, California National Organization for Women, Child Development Policy Institute, Santa Clara County Board of Supervisors, City of Berkeley, San Diego County Taxpayers Association, Orange County Taxpayers Association, California Federation of Teachers and others.

If you have any questions or need additional information, please let me know, or your staff may contact John Lounsbery at (213) 974-1415.

DEJ:GK  
MAL:JR:lm

c:     Executive Officer, Board of Supervisors  
       County Counsel  
       Office of Education